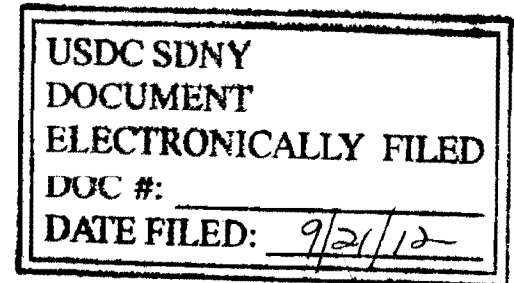


PROB 12A
(1/08)



**United States District Court
for the
Southern District of New York**

Report on Offender Under Supervision

Name of Offender: **Vernon Royal** Docket Number: **04-CR-585-01 (JES)**
Name of Sentencing Judicial Officer: **Honorable John E. Sprizzo, Senior U.S. District Court Judge**
Date of Original Sentence: **November 9, 2005**
Original Offense: **Conspiracy to Commit Bank Fraud (18 USC 1344; and 18 USC 1349), a Class B Felony.**
Original Sentence: **Thirty-three (33) months imprisonment, followed by a five (5) year term of supervised release.**
Type of Supervision: **Supervised Release** Date Supervision Commenced: **June 6, 2008**

NON-COMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

Nature of Non-compliance

As ordered by the Court, following release from imprisonment, the offender is required to pay ten percent (10%) of his gross monthly income toward the payment of restitution, which has been ordered joint and several. Upon commencement of supervision, the offender was initially compliant with his restitution obligation. However, as of May 1, 2012, he has failed to make any further payments toward such obligation.

U.S. Probation Officer Action:

As a result of the aforementioned, on August 27, 2012, the offender completed a Personal Financial Statement provided by the Financial Litigation Unit (FLU) in the Southern District of New York, which reflects the offender's assets and liabilities. Based upon the offender's reported finances, FLU concluded that the offender would be able to make monthly payments in the amount of \$130. The offender advised his supervising officer, U.S. Probation Officer (USPO) Argyro Eleopoulos, that he will be able to maintain the above-noted payment schedule.

In response to the offender's recent arrest, the Eastern District of New York (EDNY) reports that, although they have not officially reprimanded Mr. Royal, they continue to monitor his compliance with the remaining conditions of supervision while they await the disposition of the aforementioned case pending in Kings Criminal Court.

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SUMMARY OF COMPLIANCE WITH SUPERVISION CONDITIONS

Reference is made to the above noted offender who was sentenced by the Honorable John E. Sprizzo as indicated above. In addition, the court ordered a \$100 special assessment, restitution in the amount of \$347,009.49, and the following special conditions: (1) The defendant shall comply with all financial penalties as ordered in this judgment; (2) The defendant is to provide the Probation Department access to any and all requested financial information; (3) The defendant shall not incur new credit charges or open additional lines of credit without the approval of the Probation Officer unless the defendant is in compliance with the installment payment schedule; (4) The defendant shall participate in a drug and alcohol abuse rehabilitation program approved of by the U.S. Probation Office which may include testing to determine whether the defendant has reverted to using drugs or alcohol. Said program may include testing to determine whether the defendant has reverted to the use of illicit drugs or alcohol. The Court authorizes the release of available drug treatment evaluations and reports to the substance abuse treatment provider, as approved by the Probation Officer. The defendant will be required to contribute to the costs of services rendered (co-payment), in an amount determined by the Probation Officer, based on ability to pay or availability of the third-party payment; (5) The defendant shall participate in an alcohol aftercare treatment program, which may include urinalysis at the direction and discretion of the probation officer. The defendant will be required to contribute co-payments to the cost of this service, in an amount to be determined by the Probation Officer, based on the availability of third-party (insurance) payments; (6) The defendant shall submit his person, residence, place of business, vehicle or any other premises under his control to a search on the basis that the Probation Officer has reasonable belief that contraband or evidence of a violation of conditions of release may be found. The search must be conducted at a reasonable time and in a reasonable manner. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be subject to search pursuant to this condition; and (7) The defendant shall be supervised by the district of residence.

Following his release from imprisonment, the offender commenced his five (5) year term of supervised release in the Eastern District of New York (EDNY). Royal is currently under the supervision of USPO Eleopoulos.

Notwithstanding the non-compliance with his restitution obligation, USPO Eleopoulos reports that the offender has otherwise remained compliant with the conditions of supervision. Royal maintains a stable residence and reports when instructed. Notably, since completing his drug treatment program, Royal has been tested randomly by EDNY's Random Urine Program and all toxicology results have yielded a negative result for the use of illicit substances.

On July 2, 2012, the offender was terminated from his employment as a tire mechanic with Inner City Tire after a verbal argument with a customer. However, on August 1, 2012, the offender secured part-time employment as a tire mechanic with New York Tire Factory located in the Jamaica section of Queens, New York, where he is reportedly earning \$1,300 per month gross income. With the exception of the month of July 2012, Royal has been consistently employed.

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Additionally, USPO Eleopoulos reports that the offender has also been dealing with some recent medical issues. Specifically, he had cataract surgery on both his eyes in the past year and as a result, he has lost vision in his right eye and has diminishing vision in his left eye.

On September 18, 2012, our office received correspondence from USPO Elcopoulos requesting that we notify the Court regarding the offender's failure to submit monthly restitution payments.

In addition, EDNY is requesting a transfer of jurisdiction to ensure that all future non-compliance matters will be handled in an expeditious manner.

RECOMMENDATION AND JUSTIFICATION

As the Judge of record is deceased, we approach Your Honor with our request. Predicated on the offender's compliance with supervision outside of his failure to make restitution payments, we are requesting no action be taken at this time. As previously stated, Royal has recently commenced employment at New York Tire Factory, which will allow him to resume making monthly restitution payments. Additionally, USPO Eleopoulos will continue to monitor the offender's financial status and compliance with the offender's restitution obligation.

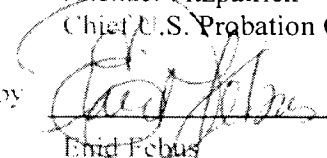
Additionally, inasmuch as the offender resides within the confines of EDNY and has no plans to return to the Southern District of New York, we respectfully recommend that jurisdiction of the offender's case be transferred to EDNY. This will ensure that all future matters with the Court, including any further non-compliance, will be handled in an expeditious manner.

We stand ready to execute the orders of the Court and have attached a response page in order to facilitate Your Honor's reply.

Respectfully submitted,

Michael Fitzpatrick
Chief U.S. Probation Officer

by


David Fehus
Supervising U.S. Probation Officer
212-805-5074

Date: 9/20/12

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JUDICIAL RESPONSE

THE COURT ORDERS:

☒ Court approves U.S. Probation Officer's request to take no action at this time.

AND

☒ Transfer of Jurisdiction Approved

☐ Transfer of Jurisdiction Denied

OR

THE COURT ORDERS:

☐ The Issuance of a Summons

The Offender is directed to appear as follows:

Date: _____

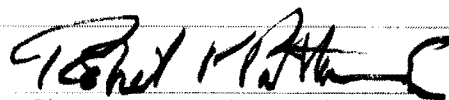
Time: _____

Place: _____

☐ Initiate Violation Proceedings

☐ Submit a Request for Modifying the Condition or Term of Supervision

☐ Other:


Signature of Judicial Officer

PWJ

Date 9/26/12